

Robert T. Szyba
SEYFARTH SHAW LLP
620 Eighth Avenue, 32nd Floor
New York, New York 10018-1405
Tel. (212) 218-5500

[Additional Counsel
Listed on Signature Page]

*Attorneys for Defendant
Wells Fargo Bank, N.A.*

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

JUAN CARLOS MERINO and AGUSTIN
MOREL, JR., individually and on behalf of all
others similarly situated,

Plaintiffs,

v.

WELLS FARGO & COMPANY and WELLS
FARGO BANK, N.A.,

Defendants.

Case No.: 2:16-cv-07840-ES-MAH

**STIPULATION AND ~~[PROPOSED]~~
CONSENT ORDER TO EXTEND
DEADLINE TO RESPOND TO
WRITTEN DISCOVERY**

Plaintiffs Juan Carlos Merino and Agustin Morel, Jr. and Defendants Wells Fargo & Co. and Wells Fargo Bank, N.A., by their undersigned counsel, hereby submit this joint stipulation and proposed consent order for an additional four week extension of time to respond to pending fact discovery in this case (up to and including January 31, 2018). In support of this joint stipulation, the Parties represent that:

1. Pursuant to this Court's September 1, 2017 Pretrial Scheduling Order, the Parties were required to exchange written fact discovery on or before October 13, 2017, and are required to respond to such discovery "within thirty (30) days of receipt." Dkt. 59, ¶ 4.

2. On November 13, 2017, at the Parties' request, the Court entered a Consent Order extending the due date for responses to written discovery for one month (up to and including December 13, 2017). Dkt. 79, ¶3. On December 6, at the Parties' further request, the Court entered a Consent Order extending the due date for an additional three weeks (up to and including January 3, 2018). Dkt. 85, ¶4.

3. The Parties are engaged in negotiations over the terms of a joint request to stay this case so that they may engage in mediation. *See* Dkt. 88 at 1-2. In light of the volume of written discovery exchanged, the Parties wish to give those negotiations a few more weeks to yield a joint request for stay, before performing the substantial additional work that will be required to complete their respective discovery responses. The current deadline of January 3, in combination with the upcoming holidays, does not allow the parties to do so.

4. Accordingly, the Parties mutually request an additional four (4) week extension of their time to respond to the pending written discovery, up to and including January 31, 2018.

5. The Parties do not anticipate that this extension will impact any other dates set by the Court. Even with the requested extension, the Parties will have ample time to exchange discovery responses and discuss their respective positions with respect to discovery in advance of the next scheduled status conference with the Court, which is now scheduled for March 19, 2018.

6. On December 13 and 14, 2017, the Parties conferred regarding this joint stipulation. This is the Parties' third request for an extension of time to respond to the pending written discovery. This joint stipulation is filed in good faith and not for the purpose of unwarranted delay.

WHEREFORE, the Parties respectfully request that the Court issue an Order extending the deadline to respond to the pending written discovery by four additional weeks, up to and including January 31, 2018.

DATED: December 18, 2017

Respectfully submitted,

PLAINTIFFS, BY THEIR ATTORNEYS

DEFENDANTS, BY THEIR ATTORNEYS

/s/ Roosevelt N. Nesmith

Roosevelt N. Nesmith
**LAW OFFICE OF
ROOSEVELT N. NESMITH, LLC**
363 Bloomfield Avenue, Suite 2C
Montclair, New Jersey 07042
Tel: (973) 259-6990

RUSSELL S. WARREN, JR., ESQ.
473 Sylvan Avenue
Englewood Cliffs, New Jersey 07632-1234
Tel: (201) 503-0773

**GISKAN SOLOTAROFF &
ANDERSON LLP**

Catherine E. Anderson, Esq.
217 Centre Street, 6th Floor
New York, NY 10004
Tel: (212) 847-8315

David R. Markham (*pro hac vice*)
THE MARKHAM LAW FIRM
750 B. Street, Suite 1950
San Diego, California 92101
Tel: (619) 399-3995

Richard Quintilone, II, Esq. (*pro hac vice*)
QUINTILONE & ASSOCIATES
22974 El Toro Road, Suite 100
Lake Forest, CA 92630-4961
Tel.: (949) 458-9675

/s/ Robert T. Szyba

Robert T. Szyba
SEYFARTH SHAW LLP
620 Eighth Avenue, 32nd Floor
New York, New York 10010
(212) 218-5500


Richard L. Alfred (*pro hac vice*)
Patrick J. Bannon (*pro hac vice*)
Alison H. Silveira (*pro hac vice*)
SEYFARTH SHAW LLP
Two Seaport Lane, Suite 300
Boston, MA 02210-2028
(617) 946-4800

Timothy M. Watson (*pro hac vice*)
Rachel M. Hoffer (*pro hac vice*)
SEYFARTH SHAW LLP
700 Milam Street, Suite 1400
Houston, Texas 77002-2812
(713) 225-2300

Shanon J. Carson, Esq. (*pro hac vice*)
Alexandra K. Piazza, Esq.
Sarah Schalman-Bergen, Esq. (*pro hac vice*)
BERGER & MONTAGUE, P.C.
1622 Locust Street
Philadelphia, PA 19108
Tel.: (888) 615-2910

IT IS SO ORDERED.

Dated: 12/21/2017



The Honorable Michael A. Hammer
United States Magistrate Judge

CERTIFICATE OF SERVICE

I hereby certify that on December 18, 2017, I electronically filed the foregoing document with the Clerk of the District Court through the Court's CM/ECF system, which sent notification of such filing to all counsel of record in this action.

/s/ Robert T. Szyba
Robert T. Szyba